

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS)
OF NORTHERN ILLINOIS PENSION FUND)
AND WELFARE FUNDS,)

Plaintiff,)

v.)

SCOTT ROGERS, Individually and d/b/a)
ROGERS HAULING, LLC)

Defendant.)

No. FILED MAY 20, 2008
08CV2911 J. N.
Judge JUDGE HOLDERMAN
MAG. JUDGE COLE

COMPLAINT

Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS ("Funds"), by their attorneys, John J. Toomey, of Arnold and Kadjan, complain against Defendant, SCOTT ROGERS, Individually and d/b/a ROGERS HAULING, LLC, as follows:

COUNT I

JURISDICTION AND VENUE

1. (a) Jurisdiction of this cause is based upon Section 502 of the Employee Retirement Income Security Act of 1974, 29 U.S.C. Section 1132 ("ERISA") and 29 U.S.C. 1145 as amended.

(b) Venue is founded pursuant to 29 U.S.C. Section 1132(e) (2) in this district, where the Fund as described in Paragraph 2, is administered.

PARTIES

2. (a) Plaintiffs are the TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS ("Funds") and have standing to sue pursuant to 29 U.S.C. 1132(a)(3).

(b) The SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS have been established pursuant to collective bargaining agreement previously entered into between the International Brotherhood of Teamsters and its affiliated locals ("the Union") and Employers;

(c) The Funds are maintained and administered in accordance with and pursuant to the provisions of the National Labor Relations Act, as amended, and other applicable state and federal laws, and also pursuant to the terms and provisions of the Agreements and Declarations of Trust which establish the Funds.

3. Scott Rogers conducted business as and held himself out to the public as Rogers Hualing, LLC and signed contracts under that name. The records of the Illinois Secretary of State indicate no such corporation or limited liability corporation were ever formed (see attached Exhibit A)

4. (a) SCOTT ROGERS, Individually and d/b/a ROGERS HAULING, LLC, employs persons represented by the Union and is bound to make contributions for weeks worked by all employees and upon subcontractors who perform work which would otherwise be performed by employees.

(b) ROGERS HAULING, LLC, has its principal place of business at Cortland, Illinois.

(c) SCOTT ROGERS, Individually and d/b/a ROGERS HAULING, LLC, is an employer engaged in an industry affecting commerce.

5. SCOTT ROGERS, Individually and d/b/a ROGERS HAULING, LLC, entered into a collective bargaining agreement for the period April 2, 2007 through May 31, 2010 (Exhibit B) which requires contributions to the Funds pursuant to 29 U.S.C. 1145.

6. Pursuant to the collective bargaining agreement between SCOTT ROGERS, Individually and d/b/a ROGERS HAULING, LLC, and the Union, ROGERS HAULING, LLC, has failed and continues to fail to make its obligated contributions to the Fund for the period May, 2007 through December, 2007, as disclosed in an audit which took place on February 13, 2008.

7. The audit disclosed \$802.30 due the Pension Fund and \$1,604.20 due the Welfare Fund for a total of \$2,406.50.

WHEREFORE, Plaintiffs pray:

A. This court enter judgment in favor of the Plaintiffs and against SCOTT ROGERS, Individually and d/b/a ROGERS HAULING, LLC, in the amount of the audit, \$2,406.50.

B. That this court award the plaintiffs their attorneys' fees, costs, interest, and liquidated damages pursuant to 29 U.S.C. 1132(g)(2) and the relevant collective bargaining agreements and trust agreements.

C. That the Court grant such further relief as is proper.

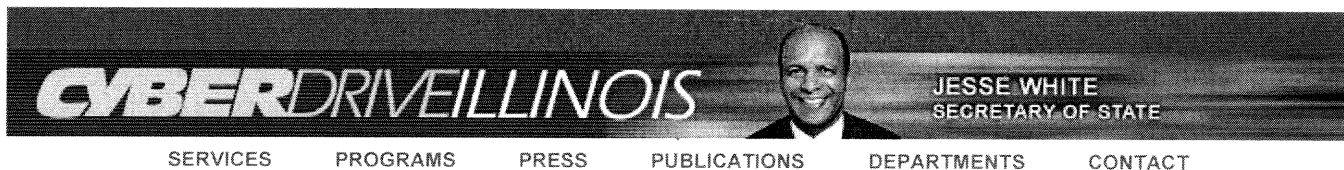
TRUSTEES OF THE SUBURBAN TEAMSTERS
OF NORTHERN ILLINOIS WELFARE AND
PENSION FUNDS

By: _____

One of Its Attorneys

John J. Toomey
ARNOLD AND KADJAN
19 West Jackson Boulevard
Chicago, Illinois 60604
(312) 236-0415

EXHIBIT A



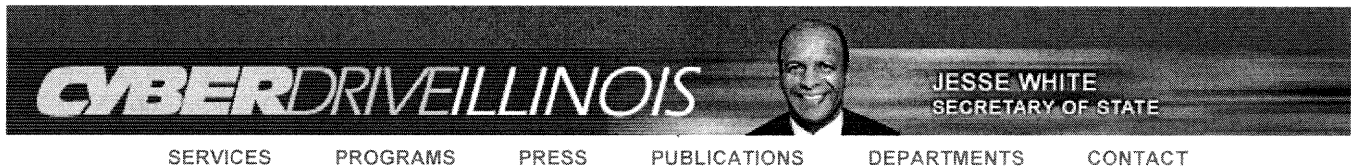
CORP/LLC - CERTIFICATE OF GOOD STANDING

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EXHIBIT B

ROGERS HAULING LLC
4214 PRAIRIEFIELD DRIVE
CORTLAND, IL. 60112

Received
OCT 26 2007
Pension Fund Office

THE
AREA WIDE MATERIAL HAULING AGREEMENT
BETWEEN
TEAMSTERS LOCAL 673
EFFECTIVE APRIL 2, 2007 THROUGH MAY 31, 2010

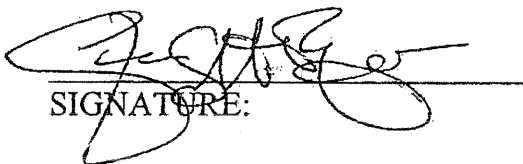
ORIGINAL



IN WITNESS WHEREOF THE PARTIES HAVE HEREUNTO SET THEIR HANDS
THIS _____ DAY OF _____.

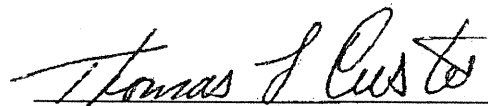
FOR THE EMPLOYER:

ROGERS HAULING LLC
4214 PRAIRIEFIELD DRIVE
CORTLAND, IL. 60112


SIGNATURE:

FOR THE UNION:

TEAMSTERS LOCAL 673
1050 W. ROOSEVELT RD.
WEST CHICAGO, IL 60185
(630) 231-6660


THOMAS L. CUSTER
SECRETARY-TREASURER
& BUSINESS MANAGER

updated 6-1-06 wp ds